

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRIORITIES USA, *et al.*,

Case No. 19-13341

Plaintiffs,
v.

Stephanie Dawkins Davis
United States District Judge

DANA NESSEL,

Defendant.
_____ /

**ORDER DENYING MOTION TO DISMISS AS MOOT
(ECF No. 10), DENYING MOTION TO EXPEDITE WITHOUT
PREJUDICE (ECF No. 23), AND SETTING BRIEFING
SCHEDULE ON MOTION TO DISMISS (ECF No. 27)**

Defendant Dana Nessel filed a motion to dismiss in the above-captioned action on December 20, 2019. (ECF No. 10). This motion raised an issue regarding, among other things, a purported insufficiency of the pleadings under Federal Rule of Civil Procedure 8 and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). The Court issued an Order on December 23, 2019 allowing plaintiff Priorities USA to file an amended complaint in light of Nessel’s motion. (ECF No. 13). Without expressing any view on the merits of the motions to dismiss, the Court stated that “[i]f Plaintiff timely files an amended complaint, the Court will deny without prejudice the currently pending motion to dismiss as moot.” *Id.*

On January 27, 2020, Priorities USA timely filed an amended complaint, which, amongst other things, added two additional plaintiffs, Rise, Inc. and the

Detroit/Downriver Chapter of the A. Philip Randolph Institute. (ECF. No. 17).

Thus, consistent with the court's December 23, 2019 order allowing for the filing of the amended complaint, the Court **DENIES** without prejudice the aforementioned motion to dismiss. (ECF No. 10).

On February 10, 2020 Nessel filed a motion to dismiss the amended complaint. (ECF No. 27). A number of the stated grounds for dismissal in the newly filed motion remain the same as those set forth in the original motions to dismiss. Thus, plaintiffs having had the opportunity to consider these previously aired grounds in drafting their amended complaint, a streamlined briefing schedule can be accomplished. Plaintiffs must file their response by February 24, 2020 and defendant must file a reply by February 28, 2020.

Plaintiffs have moved for expedited consideration of their motion for preliminary injunction, including a proposed discovery and briefing schedule, and proposal for a combined hearing and trial. (ECF No. 23). The Court **DENIES** this motion without prejudice given the changed posture of the proceedings. In the interests of judicial economy and efficiency, the Court will first resolve the motion to dismiss on an expedited basis, before developing a discovery, briefing, and trial schedule on the merits of plaintiffs' amended complaint.

IT IS SO ORDERED.

Date: February 11, 2020

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge